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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,978	08/31/2000	Stephen McFarland	02950.P059	4737

7590

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 01/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/652,978

Applicant(s)

MCFARLAND ET AL.

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.
2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
4. The abstract of the disclosure is objected to because it uses the term "disclosed," which can be implied. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Donaghue, Jr. et al (US 5,467,391).
6. In regards to claims 1 and 9, Donaghue discloses a method and apparatus comprising: means for making a plurality of outbound calls to a plurality of called parties

Art Unit: 2642

from a single device (element 30); and detecting each called party that answers the call (Fig. 2, col. 2 lines 20-32, and col. 5-6 lines 54-10).

7. In regards to claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14, Donaghue discloses the method and apparatus, further comprising obtaining information associated with at least one called party (col. 8 lines 37-42).

8. In regards to claims 7 and 15, Donaghue discloses the method and apparatus, wherein treating further comprises executing a computer program based on information associated with the called party (col. 7-8 lines 63-25).

9. In regards to claims 8 and 16, Donaghue discloses the method and apparatus, wherein treating further comprises sending a message to the called party based on the information associated with the called party (col. 5 lines 20-30).

10. In regards to claim 17, Donaghue discloses a computer readable medium having instructions which, when executed by a processing system, cause the system to: make a plurality of outbound calls to a plurality of called parties from a single device (element 30); and detect each called party that answers the call (Fig. 2, col. 2 lines 20-32, col. 5-6 lines 54-10, and col. 7 lines 6-28).

11. In regards to claims 18, 19, 20, 21, and 22, Donaghue discloses the medium, wherein the executed instructions further cause the system to treat at least one called party individually based on information associated with the called party (col. 7 lines 6-28 and col. 8 lines 37-42).

Art Unit: 2642

12. In regards to claim 23, Donaghue discloses the medium, wherein the executed instructions further cause the system to execute a computer program based on information associated with the called party (col. 7 lines 6-28 and col. 7-8 lines 63-25).

13. In regards to claim 24, Donaghue discloses the medium, wherein the executed instructions further cause the system to send a message to the called party based on the information associated with the called party (col. 5 lines 20-30 and col. 7 lines 6-28)

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Szlam (US 5,511,112) teaches an automated voice system for improving agent efficiency and improving service to parties on hold. Szlam et al (US Re. 36,416) teach a method and apparatus for dynamic and interdependent processing of inbound calls and outbound calls. Szlam et al (US 5,214,688) teach a method and apparatus for dynamic and interdependent processing of inbound calls and outbound calls.

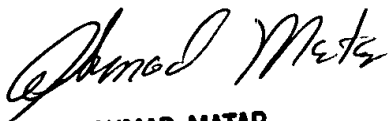
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Art Unit: 2642

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Thjuan P. Knowlin  
January 18, 2002

  
**AHMAD MATAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**